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IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1957

No. 949

W. H. MORAND, AND WIFE, MARGARET OLIBENE MORAND, *Appellants*

VS.

CITY OF RALEIGH, NORTH CAROLINA, *Appellee*

Appeal from the Supreme Court of the State of North Carolina.

STATEMENT AS TO JURISDICTION

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INDEX

	PAGES
OPINION BELOW	1
JURISDICTION	1 to 6
QUESTIONS PRESENTED	6 to 8
STATEMENT OF CASE	8 to 10
THE QUESTIONS SUBMITTED ARE SUBSTANTIAL	
The Ordinances involved are violative of the 14th Amendment to the Constitution of the United States..	10 to 12
CONCLUSION	12
APPENDICES	
"A": Opinion of the Supreme Court of North Carolina	13 to 17
"B": Mandate of the Supreme Court of North Carolina	18
"C": Judgment of the Supreme Court	19 and 20
"D" Ordinance of the City of Raleigh	21 to 27
"E": Notice of Appeal to the Supreme Court of the United States	27 to 29
"F": North Carolina General Statute 160-172	30

CITATION OF AUTHORITIES

STATUTES:	
28 U.S.C. 2101(c)	4
28 U.S.C. 1257(2)	3, 4, 12
North Carolina General Statute 160-172	6, 7
North Carolina General Statute 160-179	8

PAGES

REVISED RULES OF THE SUPREME COURT OF THE UNITED STATES

Rule 10 ..... 3, 4

Rule 11 4

Rule 13 1

Rule 15 1

Rule 33 (3) (a) 4

NORTH CAROLINA CONSTITUTIONAL PROVISIONS

Article I, Section 7 5

Article I, Section 17 5

FEDERAL CONSTITUTIONAL PROVISION

14th Amendment 5, 7, 8, 10

CASES CITED:

Barney & Casey Co. vs. Town of Milton, 324 Mass. 440, 87 N.E. 2d 9 11

Beard vs. City of Alexandria, La., 341 U. S. 622, 71 S. Ct. 920, 95 L. ed. 1233 4

Chicago Life Insurance Co. vs. Needles, 113 U. S. 574, 5 S. Ct. 681, 28 L. ed. 1084 10

Chicago R. I. & P. R. & P. R. Co. vs. Perry, 259 U. S. 548, 42 S. Ct. 524, 66 L. ed. 1056 ..... 4, 5

W. A. Cissna vs. State of Tennessee, 246 U. S. 289, 38 S. Ct. 306, 62 L. ed. 720 6

City of Raleigh vs. W. H. Morand and wife, Margaret Olibene Morand, 247 N. C. 363, 100 S.E. 2d 870.. 1, 3, 4, 5, 9

PAGES

Connor vs. West-Bloomfield TP. et al., (C. A. 6th) 207 F. 2d 483 11

Consolidated Coal Co., vs. People of State of Illinois, 185 U. S. 203, 22 S. Ct. 616, 46 L. ed. 872 6

Copperweld Steel Company vs. Industrial Commission of Ohio, 324 U. S. 780, 65 S. Ct. 1006, 89 L. ed. 1363 ..... 5, 6

Dahnke-Walker Milling Company vs. Bondurant, 257 U. S. 282, 42 S. Ct. 106, 66 L. ed. 239 4

Dorchy vs. Kansas, 272 U. S. 306, 47 S. Ct. 86, 71 L. ed. 248 10

Home Insurance Co. vs. Dick, 281 U. S. 397, 50 S. Ct. 338, 74 L. ed. 926 ..... 4, 5

Jamison vs. Texas, 318 U. S. 413, 63 S. Ct. 669, 87 L. ed. 869 4

Kaukauna Water Power Company vs. Green Bay & Mississippi Canal, 142 U. S. 254, 12 S. Ct. 173, 35 L. ed. 1004 6

King Manufacturing Company vs. City Council of Augusta, 277 U. S. 100, 48 S. Ct. 489, 72 L. ed. 801 4

Loesch Allotment Co. vs. Village of Newburgh Heights, 100 N. E. 2d 543 11

Lovell vs. City of Griffin, Ga., 303 U. S. 444, 58 S. Ct. 666, 82 L. ed. 949 4

Mayor and Council of Wilmington vs. Turk, 14 De. Ch. 392, 129 A. 512 11

Myles Salt Company vs. Board of Commissioners of Iberia and St. Mary Drainage District, 239 U. S. U. S. 478, 36 S. Ct. 204, 60 L. ed. 392 11

New York ex rel Bryant vs. Zinnerman, 278 U. S. 63, 49 S. Ct. 61, 73 L. ed. 184 ..... 5, 6

PAGE

Nickey vs. Mississippi, 292 U. S. 393, 54 S. Ct. 743 78 L. ed. 1323 ..... 4, 5

People of Illinois, ex rel McCollum vs. Board of Education of School District Number 71, Champaign, Ill., 333 U. S. 203, 68 S. Ct. 461, 92 L. ed. 648. 2 A.L.R. (2)1338 4

Railway Express Agency vs. New York, 336 U. S. 106, 69 S. Ct. 463, 93 L. ed. 533 4

Roby vs. Colehour, 146 U. S. 153, 13 S. Ct. 47, 36 L. ed. 922 10

Saia vs. New York, 334 U. S. 558, 68 S. Ct. 1148 92 L. ed. 1574 4

Saltonstall vs. Saltonstall, 276 U. S. 260, 48 S. Ct. 225, 72 L. ed. 565 5

State of Montana Ex Rel. Charles S. Haire vs. James H. Rice, 204 U. S. 291, 27 S. Ct. 281, 51 L. ed. 490 6

Terminelo vs. Chicago, 337 U. S. 1, 69 S. Ct. 894 93 L. ed. 1131 6

Tilt vs. Kelsey, 207 U. S. 43, 28 S. Ct. 1, 52 L. ed. 95 6

Toledo St. Louis & Western Railroad Company vs. Otto E. Slavin, 236 U. S. 454, 35 S. Ct. 306, 59 L. ed. 671 11

Union Refrigerator Transit Company vs. Commonwealth of Kentucky, 199 U. S. 194, 26 S. Ct. 36, 50 L. ed. 150 11

Village of Norwood vs. Ellen R. Baker, 172 U. S. 269, 19 S. Ct. 187, 43 L. ed. 443 11

Village of University Heights et al vs. Cleveland Jewish Orphan Home, (C.C.A. 6th) 20 F 2d 743.. 11

Whitfield vs. Ohio, 297 U. S. 431, 56 S. Ct. 432, 80 L. ed. 778 ..... 4, 5

PAGES

Women's Kansas City St. Andrew Society vs. Kansas City, Mo., (C.C.A. 8th) 58 F (2d) 593 11

Yazoo & Mississippi Valley Railroad Company vs. Wirt Adam, 180 U. S. 1, 21 S. Ct. 240, 45 L. ed. 395 6

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1957

No.....

W. H. MORAND, AND WIFE, MARGARET OLIBENE MORAND, *Appellants*

versus

CITY OF RALEIGH, NORTH CAROLINA, *Appellee*

Appealed from the Supreme Court of the State of North Carolina

STATEMENT AS TO JURISDICTION

The appellants, pursuant to United States Supreme Court Rules 13 and 15 file this, their STATEMENT, of the basis upon which it is contended that the Supreme Court of the United States has jurisdiction on a direct appeal to review the final judgment of the Supreme Court of North Carolina, which has upheld the constitutionality of a city ordinance as applied to appellants against appellants' contentions that the same contravened their rights under the state and federal constitutions.

OPINION BELOW

The Supreme Court of North Carolina filed a written opinion in this cause on the 11th day of December, 1957. The said opinion is reported in the following publications: 247 N. C. 363 and 100 S.E. 2d 870. The opinion of the Supreme Court of North Carolina is reproduced in the appendices to this STATEMENT as Appendix "A" hereof. The mandate of the Supreme Court of North Carolina, issued on the 11th day of December, 1957, to the Superior Court of Wake County, is reproduced in the appendices to this STATEMENT as Appendix "B" hereof. The judgment of the trial court, to-wit; the Superior Court of Wake County, State of North Carolina, is found in the Record which was before the Supreme Court of North Carolina. See *City of Raleigh vs. W. H. Morand and wife, Margaret Olibene Morand,* State Record Number 449, Fall Term, 1957, Pages 10 and 11. The said judgment also contains four numbered findings of fact and conclusions of law. The judgment of the Superior Court of Wake County, North Carolina, as mentioned above and which is dated the 11th day of June, 1957, is reproduced in the appendices to this STATEMENT as appendix "C" hereof.

JURISDICTION

The appeal herein is from a final order and opinion of the Supreme Court of North Carolina which sustained the judgment of the Superior Court of Wake County, North Carolina, entered by His Honor, F. Donald Phillips, Judge Presiding, (State Record Number 449, Pages 10 and 11). The mandate and opinion of